

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2002:

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Present

Vote

Donald E. Wiggins, Chairman  
Walter C. Zaremba, Vice Chairman  
Sheila S. Noll  
James S. Burgett  
Thomas G. Shepperd, Jr.

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following ordinance was adopted:

AN ORDINANCE TO APPROVE A PLANNED DEVELOPMENT OF  
QUADRUPLEX HOMES ON HAMPTON HIGHWAY

WHEREAS, Villa Development, LLC and The Villas on Shady Banks, LLC have submitted Application No. PD-14-02 seeking to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to PD (Planned Development) approximately 63.8 acres located on the north side of Hampton Highway (Route 134) approximately 370 feet east of its intersection with Ascot Drive (Route 1676) and further identified as Assessor's Parcel Nos. 38A2-1-5, 6, 7, 8, and 9; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_, 2002, that Application No. PD-14-02 be, and it is hereby, approved subject to the following conditions:

- 1 General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Service, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. said site plan shall be in substantial conformance with the plan entitled, "The Villas at Shady Banks, Preliminary #6" prepared by The Sirine Group, Inc., and dated 5/20/2002 except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as submitted or amended herein shall require re-submission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.
- b) The layout and design of this development shall comply with the Planned Development regulations as provided in Section 24.1-360 of the York County Zoning Ordinance, except as modified herein.
- c) The maximum number of residential units shall be 56.
- d) Street trees at least 1-1/2 inches in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along the interior road in the development. Street trees at least 1-1/2 inches in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals in the median of the boulevard-type entrance on Hampton Highway.

## 2 Streets and Circulation

- a) Roadway design and construction shall be in substantial conformance with the Development Plan. The design and construction of all streets shall adhere to the street and roadway standards established for public streets by the County and the Virginia Department of Transportation (VDOT). The applicant shall bear responsibility for installing all roadway improvements.
- b) All streets shall be of a curb and gutter design; roll-top curb shall be permissible throughout the development.
- c) In order to provide for safe and convenient pedestrian circulation, the project shall include a four-foot (4') wide sidewalk as shown on the concept plan.
- d) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.

- e) A full-width right turn lane with a taper consistent with the standards of the Virginia Department of Transportation (VDOT) shall be constructed along Hampton Highway (Route 134) at the entrance to the development.

### 3 Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Newport News all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The homeowners' association shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

### 4 Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan entitled "The Villas at Shady Banks, Preliminary #6" prepared by The Sirine Group, Inc. and dated 5/20/2002.
- b) A minimum of 16.0 acres of open space shall be provided. Said open space may include water management facilities, environmentally sensitive areas, roadside buffers, and recreation space.
- c) A minimum of 4.8 acres of recreation space shall be provided. Said recreation space shall be developed, at a minimum, with a clubhouse, swimming

- pool, natural area with a mulch trail and park-style benches, and a putting green and/or horseshoe pits as indicated on the master plan.
- d) The recreation area and facilities designated shall be developed and available for use on or before the occupancy of the fortieth (40<sup>th</sup>) unit or by the end of the fifth (5<sup>th</sup>) year from the start of construction, whichever occurs first.
  - e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
  - f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.
  - g) All recreational services, facilities, and equipment shall be subject to approval by the Division of Parks and Recreation for their consistency with the applicant's proffered conditions and recreational requirements as listed in the Planned Development regulations in the Zoning Ordinance.

## 5 Environment

- a) A Natural Resources Inventory, including a Major Water Quality Impact Assessment, prepared in accordance with the requirements set forth in Section 24.1-372(d) of the Zoning Ordinance, shall be submitted for review and approval concurrent with the site plan submission.
- b) Prior to final plan approval, the applicant shall obtain all wetland permits required by federal and state regulations and submit copies of these permits, or evidence that such permits are unnecessary, to the Zoning Administrator.

## 6 Proffered Conditions

- a) The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement entitled, "Proposed Proffers by Owner for Application for Property of the Villas on Shady Banks, L.L.C. and Villa Development, L.L.C.," received June 3, 2002, and signed by Cowles M. Spencer, except as modified herein.

## 7 Restrictive Covenants

- a) Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.